

**SUNSHINE ORDINANCE
TASK FORCE**

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ORDER OF DETERMINATION
October 31, 2017

DATE ISSUED
October 4, 2017

CASE TITLE – Ann Treboux v. Kate Patterson and the Arts Commission
(File No. 17045)

FACTS OF THE CASE

The following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17045: Complaint filed by Ann Treboux against Kate Patterson and the Arts Commission, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely and/or complete manner.

HEARING ON THE COMPLAINT

On August 22, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the SOTF for hearing.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find a violation. Ms. Treboux stated that she has not received the requested documents and the Arts Commission has not identified what documents have been withheld. Kate Patterson, Arts Commission (Respondent), provided summary of the department's position. Ms. Patterson provided a timeline of the receipt of the requests and the Arts Commission's response and stated that the Arts Commission responded in a timely manner. Ms. Patterson stated that the Arts Commission did not have any responsive documents at the time the request was received, informed Ms. Treboux of the fact and suggested a possible date when the requested documents would be available.

The Committee opined that the Arts Commission should have informed Ms. Treboux that the requested documents would be provided when the requested documents became available on a rolling basis.

On October 4, 2017, the SOTF held a hearing to review the recommendation from Committee and/or to review the merits of the petition/complaint.

Ann Treboux (Petitioner), provided a summary of the complaint and requested the SOTF to find violations. Ms. Treboux stated documents should have been provided on a rolling basis if they were not available at the time of the public records request and suggested that the Arts Commission is in need of training. There were no speakers in support of the Petitioner. Kate Patterson, Arts Commission (Respondent), provided a summary of the department's position. Ms. Patterson acknowledged that the department's response was late as the fax was received late in the day and the fax machine was not checked. Ms. Patterson stated that at the time of the request no records existed and the records were provided when they became available. There were no speakers in support of the Respondent. A question and answer period followed. The Petitioner and Respondent were provided an opportunity for rebuttals.

The SOTF opined that providing a weblink to documents is a valid method to respond to a request for public records.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Kate Patterson and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25.

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Eldon, moved to find that Kate Patterson and the Arts Commission violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, Tesfai, Maass, Cannata, Fischer, Hinze, Hyland, B. Wolfe
Noes: 0 – None
Absent: 2 – Chopra, J. Wolf


Bruce Wolfe, Chair
Sunshine Ordinance Task Force

c. Kate Patterson, Arts Commission (Respondent)
Ann Treboux (Petitioner)